

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

BRADLEY L. HINES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:20-cv-03017-JPH-DML
	)	
FAYETTE SUPERIOR COURT,	)	
	)	
Defendant.	)	

**ORDER**

**I. Granting *in forma pauperis* status**

Mr. Hines' motion to proceed *in forma pauperis*, dkt. [2], is **GRANTED**. See 28 U.S.C. § 1915(a). While *in forma pauperis* status allows Mr. Hines to proceed without prepaying the filing fee, he remains liable for the full fees. *Ross v. Roman Catholic Archdiocese of Chicago*, 748 F. App'x 64, 65 (7th Cir. 2019) ("Under 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed 'without *prepayment* of fees,' . . . but not without *ever* paying fees.") (emphasis in original). No payment is due at this time.

**II. Screening**

**A. Screening standard**

The Court has the inherent authority to screen Mr. Hines' complaint. *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999) ("[D]istrict courts have the power to screen complaints filed by all litigants, prisoners and non-prisoners alike, regardless of fee status."). The Court may dismiss claims within a

complaint that fail to state a claim upon which relief may be granted. *See id.*

In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017).

To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

*Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Pro se complaints are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

## **B. Complaint**

Mr. Hines alleges that the Fayette Superior Court never recorded 2006 state proceedings concerning his operator's license and claims that "they were hiding it for some reason." Dkt. 1 at 2, 5. Based on this conduct, he brings a 42 U.S.C. § 1983 claim alleging "discrimination" because the Fayette Superior Court "didn't go by Indiana Law" and "broke Rule 25 and the time limitations of Indiana law." *Id.* at 2. He seeks \$75,000 "for having [his] driver[']s license being taken against [his] will." *Id.* at 6.

### **C. Analysis**


Mr. Hines unsuccessfully brought similar claims in *Hines v. Fayette County Superior Court*, No. 1:20-cv-02240-TWP-MJD (S.D. Ind. Nov. 2, 2020), which Judge Pratt dismissed. These claims face the same fate.

"[S]tates and their agencies are not 'persons' subject to suit under 42 U.S.C. § 1983." *Johnson v. Supreme Court of Illinois*, 165 F.3d 1140, 1141 (7th Cir. 1999) (citing *Will v. Michigan Dep't of State Police*, 491 U.S. 58 (1989)). Here, the Fayette County Superior Court "is a division of the State of Indiana, so [Mr. Hines'] suit is one against Indiana itself." *See King v. Marion Circuit Court*, 868 F.3d 589, 591 (7th Cir. 2017). Therefore, because Mr. Hines' has not sued a "person" under 42 U.S.C. § 1983, he has not brought a plausible federal claim and his complaint must be dismissed. *See Iqbal*, 556 U.S. at 678.

Mr. Hines shall have through **December 21, 2020** to show cause why judgment consistent with this entry should not issue. *See Thomas v. Butts*, 745 F.3d 309, 313 (7th Cir. 2014) (Court must "first fir[e] a warning shot" before dismissing a complaint).

**SO ORDERED.**

Date: 11/19/2020

  
James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

BRADLEY L. HINES  
611 W. 29th St.  
Connersville, IN 47331